

Amendment  
Application No. 10/809,854  
Attorney Docket No. 042284

**REMARKS**

Claims 1-12 are pending in this application, of which claims 1 and 5 have been amended, and claim 6-12 have been added.

(1) The drawings were objected to because the claimed “apparatus for brewing” is not shown in the drawings.

Claim 1 has been amended. In the specification, the “apparatus for brewing coffee” generally refers to the portion inside the coffee maker body 2, including hot-water supply pipe 16, water supply port 15, solenoid valve 17, control board portion 11, shower head 18, etc., as described at page 8, lines 11-20. Thus, the coffee maker body 2 brews coffee. Since claim 1 has been amended, withdrawal of the objection is respectfully requested.

(2) Claim 5 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

The Examiner states that it is not clear how the coffee maker body slides. Claim 5 has been amended, so reconsideration of the rejection is respectfully requested.

(3) Claims 1-5 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Amendment  
Application No. 10/809,854  
Attorney Docket No. 042284

The Examiner states that there is no support in the specification that the coffee maker body is equipped with an apparatus for brewing coffee.

Claim 1 has been amended. As explained above, the “apparatus for brewing coffee” generally refers to the portion inside the coffee maker body 2, including hot-water supply pipe 16, water supply port 15, solenoid valve 17, control board portion 11, shower head 18, etc., as described in the specification at page 8, lines 11-20. Thus, the coffee maker body 2 brews coffee. Withdrawal of the rejection is respectfully requested.

(4) Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over McGuffin et al. (U.S. Patent Application No. 4,728,281) in view of Frankenstein (U.S. Patent Application No. 1,923,482). Also, Claims 3-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Rabadi et al. (U.S. Patent Application No. 6,227,101).

(i) Newly added claim 11 recites that the holder of the present invention holds the coffee server when coffee is brewed. The amendment of claim 11 is found at Fig. 1. Although the Examiner states that the claimed holder corresponds to the front door or wall 22 of McGuffin, the claimed holder corresponds not to the front door or wall 22 but to the portion 44 of McGuffin because the coffee server is held by the portion 44 of McGuffin when coffee is brewed. The portion 44 of McGuffin, holding a coffee server when coffee is brewed, cannot take an upper

Amendment  
Application No. 10/809,854  
Attorney Docket No. 042284

position or a lower position. When a coffee server is held by the front door or wall 22 as illustrated in Fig. 1, coffee is not brewed because the coffee server is not positioned right under the shower head. Thus, McGuffin does not disclose the claimed holder as recited in claims 1 and 11.

(ii) Claims 6-10 have been added, whose basis is found at original claims 1-5, respectively. The basis of claim 12 is found at Fig. 1. Newly added claim 6 recites that the holder takes a lower position to hold the coffee server right under the shower head. In McGuffin, the portion 44 can hold a coffee server as shown in Fig. 1, but the portion 44 of McGuffin, holding a coffee server when coffee is brewed, cannot take a lower position and an upper position by extending the folding arms. When a coffee server is held by the front door or wall 22 as illustrated in Fig. 1, coffee is not brewed because the coffee server is not right under the shower head. Thus, McGuffin does not disclose the claimed holder, holding a coffee server right under the shower head when brewing coffee, and taking a lower position and an upper position by extending the folding arms. Thus, even a combination of the references does not make the present invention.

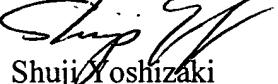
(iii) The Examiner states that it would have been obvious to one skilled in the art to substitute the hinge (30) of McGuffin with the folding arms disclosed in Frankenstein in order to provide a support which could hold a greater amount of weight applied to the holder.

Amendment  
Application No. 10/809,854  
Attorney Docket No. 042284

However, there is no basis to modify McGuffin in view of Frankenstein because Frankenstein's bathroom fixture is non-analogous art to McGuffin's coffee maker.

(5) In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date. If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case. If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Shuji Oshizaki  
Limited Recognition  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

SY/mt  
Attachment: Limited Recognition